

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
(410) 962-0782
(410) 962-2698 FAX

October 23, 2009

MEMO TO COUNSEL RE: Mary Hill v. AMTEC, LLC
Civil No. JFM-09-1268

Dear Counsel:

I have reviewed the memoranda submitted in connection with defendants' motions to dismiss.

Defendant Comcast's motion to dismiss is denied. As I previously ruled in *Jacobson v. Comcast*, Civil No. JFM-09-562, I believe that plaintiff is entitled to discovery before ruling upon the issue of whether she has a viable claim against Comcast.

The AMTEC defendants' motion to dismiss is granted in part and denied in part. Specifically, the motion is denied as to plaintiff's claims against AMTEC LLC under the Fair Labor Standards Act. I am persuaded that although arguably formulaic, plaintiff's allegations are sufficient to state a claim upon which relief can be granted. However, AMTEC's motion is granted as to plaintiff's purported claim under the Maryland Wage Payment and Collection Law because the MWPCCL does not regulate overtime. See *McLaughlin v. Murphy*, 372 F. Supp. 2d 465, 474 (D. Md. 2004). Likewise, the motion to dismiss filed by Michael and Linda Johnson is granted as to all claims. Plaintiff has utterly failed to state any facts to support their alleged liability as a "single enterprise" with AMTEC LLC, or to support the exercise of personal jurisdiction over them.

A conference call will be held on November 5, 2009 at 9:00 a.m. to discuss the appropriate schedule in this case. I ask counsel for plaintiff to initiate the call.

In preparing for the conference, counsel should familiarize themselves with the schedule I set forth in the *Jacobson* case by letter dated August 21, 2009 (document 81 in Civil No. 09-562).

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge